



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

February 3, 2020

VIA ECF

The Honorable James L. Cott
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *The New York Times Company, et al. v. Customs and Border Protection*,
19 Civ. 9017 (JLC)

Dear Judge Cott:

This Office represents U.S. Customs and Border Protection (“CBP”) in the above-referenced FOIA case. Pursuant to this Court’s Order dated December 6, 2019, we write to provide a joint status report in the above-captioned matter.

In December 2019, CBP conducted a search for responsive records as agreed upon by the parties, which focused on eight CBP custodians (the “December 2019 Search”). Approximately 9,650 records were responsive to the December 2019 Search. As of today, CBP has reviewed approximately 176 records of those records for responsiveness to Plaintiffs’ FOIA request. These documents totaled more than 9,000 pages. Of those reviewed records, CBP has initially determined that approximately 102 of those records (and over 8,000 pages) are responsive to Plaintiffs’ FOIA request.

Given this large volume of potentially responsive records, the parties have agreed to further meet and confer regarding potentially narrowing Plaintiffs’ FOIA requests. Similarly, the parties agree that by focusing at this juncture on narrowing the requests, the duration of this litigation may be significantly shortened. Thus, the parties respectfully request that: (1) they be required to submit another status update by February 18, 2020, including proposed next steps; and (2) the Court endorse the parties’ stipulation that CBP shall not be required to review any additional records for responsiveness (or otherwise process any records in response to Plaintiffs’ FOIA requests) until agreed by the parties or further ordered by this Court.

Thank you for your consideration of this matter.

Respectfully,

GEOFFREY S. BERMAN
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cc: Counsel for Plaintiffs (via ECF)